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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	09/530,795
Filing Date	May 5, 2000
First Named Inventor	Brian C. KELLER
Group Art Unit	1761
Examiner Name	K. Hendricks
Attorney Docket Number	270142000300

Total Number of Pages in This Submission

16

ENCLOSURES (check all that apply)

☐ Fee Transmittal Form

☐ Fee Attached

☐ Amendment/Reply

☐ After Final

☐ Affidavits/declaration(s)

☐ Extension of Time Request

☐ Express Abandonment Request

☐ Information Disclosure Statement

☐ Certified Copy of Priority Document(s)

☐ Response to Missing Parts/
Incomplete Application

☐ Response to Missing Parts
under 37 CFR 1.52 or 1.53

☐ Assignment Papers
(for an Application)

☐ Drawing(s)

☐ Licensing-related Papers

☐ Petition

☐ Petition to Convert to a Provisional
Application

☐ Power of Attorney, Revocation
Change of Correspondence Address

☐ Terminal Disclaimer

☐ Request for Refund

☐ CD, Number of CD(s) _____

☐ After Allowance Communication
to Group

☐ Appeal Communication to Board of
Appeals and Interferences

☐ Appeal Communication to Group
(Appeal Notice, Brief, Reply Brief)

☐ Proprietary Information

☐ Status Letter

☒ Other Enclosure(s)
(please identify below)

Status Inquiry

Copy of Petition to Correct Inventorship
and accompanying documents

Exhibit A: Copy of page 1 of Deposit
Account Summary for February 2002

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm
or
Individual Name

MORRISON & FOERSTER LLP
David L. Devernoe - 50,128

Signature

Date

June 3, 2003

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: 6/3/03

Signature: Judy Bridgwater

(Judy Bridgwater)



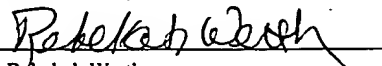
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PATENT

Docket No. 270142000300

CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:
Commissioner for Patents, Washington, D.C. 20231, on December 27, 2001.


Rebekah Werth

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Brian C. KELLER, et al.

Serial No.: 09/530,795

Filing Date: May 5, 2000

For: ENHANCED INFANT FORMULA
CONTAINING LIPOSOME
ENCAPSULATED NUTRIENTS AND
AGENTS

Examiner: K. Hendricks

Group Art Unit: 1761

PETITION TO CORRECT INVENTORSHIP
PURSUANT TO 37 C.F.R. § 1.48(a)

Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

The presently named applicant, Brian C. Keller, hereby petitions the Assistant Commissioner to enter the Amendment of the application submitted herewith to add the name of Arnold William Schwartz as joint inventor.

☒ At least one originally named inventor remains.

☒ In support of this Petition, copies of statements of Brian C. Keller and Arnold William Schwartz, together with an executed declaration under 37 C.F.R. § 1.63, are enclosed.

☒ The fee set forth in 37 C.F.R. § 1.17(h) of \$130.00

☐ is enclosed

COPY

☒ is authorized to be charged to Deposit Account 03-1952 referencing
270142000300.

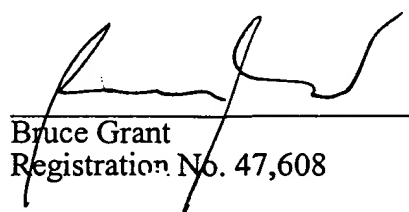
The commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16, 1.17, and 1.21 that may be required under this transmittal, or to credit any overpayment to Deposit Account 03-1952, referencing 270142000300.

This request is supported by a statement of the original applicant, as required by 37 C.F.R. § 1.48, and by a Substitute Declaration, executed by Brian C. Keller and Arnold William Schwartz, as required by 37 C.F.R. § 1.63. The facts surrounding this change in inventorship are that Arnold William Schwartz was inadvertently not included as an inventor when the Declaration was filed. Brian C. Keller notified the undersigned representative of the inadvertent inventorship error after learning that Arnold William Schwartz was not included as a joint inventor and this amendment was promptly prepared. Thus, under the present circumstances it is clear that Brian C. Keller and Arnold William Schwartz are the true joint inventors in this case, and it is therefore incumbent upon the named inventor to add Arnold William Schwartz as co-inventor in this specific application. The Patent and Trademark Office is respectfully requested to correct the inventorship and to enter the enclosed statements of Brian C. Keller and Arnold William Schwartz, as well as the enclosed Substitute Declaration which has been executed by Brian C. Keller and Arnold William Schwartz.

Respectfully submitted,

Dated: December 27, 2001

By:


Bruce Grant
Registration No. 47,608

Morrison & Foerster LLP
3811 Valley Centre Drive
Suite 500
San Diego, California 92130-2332
Telephone: (858) 720-7962
Facsimile: (858) 720-5125



COPY PATENT
Docket No. 270142000300

CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"

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Assistant Commissioner for Patents, Washington, D.C. 20231, on December 27, 2001.

Rebekah C. Bell

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In the application of:

Brian C. KELLER, et al.

Serial No.: 09/530,795

Filing Date: May 5, 2000

For: ENHANCED INFANT FORMULA
CONTAINING LIPOSOME
ENCAPSULATED NUTRIENTS AND
AGENTS

Examiner: Unassigned

Group Art Unit: 1761

STATEMENT OF BRIAN C. KELLER

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

I, Brian C. Keller, state as follows:

1. I am a co-inventor of the invention claimed in the above described U.S. Patent Application.
2. Arnold William Schwartz was a co-inventor with respect to the claimed subject matter.
3. I agree to the change of inventorship proposed in the enclosed Petition to add the name of Arnold William Schwartz as a co-inventor.

Executed on 8 Aug 2001.

B. C. Keller
Brian C. Keller



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PATENT
Docket No. 270142000300

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:
Assistant Commissioner for Patents, Washington, D.C. 20231, on December 27, 2001.

Brian C. Keller

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In the application of:

Brian C. KELLER, et al.

Serial No.: 09/530,795

Filing Date: May 5, 2000

For: ENHANCED INFANT FORMULA
CONTAINING LIPOSOME
ENCAPSULATED NUTRIENTS AND
AGENTS

Examiner: Unassigned

Group Art Unit: 1761

STATEMENT OF ARNOLD WILLIAM SCHWARTZ

Assistant Commissioner for Patents
Washington, D.C. 20231

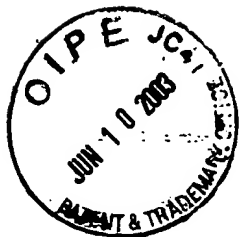
Dear Sir:

I, Arnold William Schwartz, state as follows:

1. I am a co-inventor with Brian C. Keller of the invention claimed in U.S. Patent Application No. 09/530,795, filed May 5, 2000.
2. The inadvertent exclusion of myself as joint inventor of the above described U.S. Patent Application occurred without deceptive intent on my part.
3. I agree to the change of inventorship proposed in the enclosed Petition to add my name as co-inventor.

Executed on 8 AUG. 2001.

Arnold W. Schwartz
Arnold William Schwartz



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Docket No. 270142000300

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SUBSTITUTE DECLARATION FOR UTILITY PATENT APPLICATION

AS A BELOW-NAMED INVENTOR, I HEREBY DECLARE THAT:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: ENHANCED INFANT FORMULA CONTAINING LIPOSOME ENCAPSULATED NUTRIENTS AND AGENTS, the specification of which is attached hereto unless the following box is checked:

☒ was filed on 5 May 2000 as United States Application Serial No. 09/530,795.

I HEREBY STATE THAT I HAVE REVIEWED AND UNDERSTAND THE CONTENTS OF THE ABOVE-IDENTIFIED SPECIFICATION, INCLUDING THE CLAIMS, AS AMENDED BY ANY AMENDMENT REFERRED TO ABOVE.

I acknowledge the duty to disclose information which is material to the patentability as defined in 37 C.F.R. § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT International application which designated at least one country other than the United States listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed:

Application No.	Country	Date of Filing (day/month/year)	Priority Claimed?
PCT/US98/23532	PCT	5 November 1998	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

I hereby claim benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

Application Serial No.	Filing Date

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

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Application Serial No.	Filing Date	Status
		<input type="checkbox"/> Patented <input type="checkbox"/> Pending <input type="checkbox"/> Abandoned

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I hereby appoint the following attorneys and agents to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

Randolph Ted Apple (Reg No. 36,429)
 Sanjay S. Bagade (Reg No. 42,280)
 Erwin J. Basinski (Reg No. 34,773)
 Richard R. Batt (Reg No. 43,485)
 Vincent J. Belusko (Reg No. 30,820)
 Kimberly A. Bolin (Reg No. 44,546)
 Tyler S. Brown (Reg No. 36,465)
 A. Randall Camacho (Reg No. 46,595)
 Robert K. Cerpa (Reg No. 39,933)
 Alex Chartove (Reg No. 31,942)
 Thomas E. Ciotti (Reg No. 21,013)
 Matthew M. D'Amore (Reg No. 42,457)
 Peter Davis (Reg No. 36,119)
 Carolyn A. Favorito (Reg No. 39,183)
 Hector Gallegos (Reg No. 40,614)
 Debra J. Glaister (Reg No. 33,888)
 Johny U. Han (Reg No. 45,565)
 Alan S. Hodes (Reg No. 38,185)
 Peter Hsieh (Reg No. 44,780)
 Madeline I. Johnston (Reg No. 36,174)
 Parisa Jorjani (Reg No. 46,813)
 Richard C. Kim (Reg No. 40,046)
 Kawai Lau (Reg No. 44,461)
 Michael J. Mauriel (Reg No. 44,226)
 Philip A. Morin (Reg No. P-45,926)
 Martin M. Noonon (Reg No. 44,264)
 Paul J. Riley (Reg No. 38,596)
 Terri Shieh-Newton (Reg No. 47,081)
 Kevin R. Spivak (Reg No. 43,148)
 Michael R. Ward (Reg No. 38,651)
 Todd W. Wight (Reg No. 45,218)
 David T. Yang (Reg No. 44,415)
 George C. Yu (Reg No. 44,418)

Laurie A. Axford (Reg No. 35,053)
 Joseph Barrera (Reg No. 44,522)
 Shantanu Basu (Reg No. 43,318)
 Frank P. Becking (Reg No. 42,309)
 Jonathan Bockman (Reg No. 45,640)
 Barry E. Bretschneider (Reg No. 28,055)
 Nicholas Buffinger (Reg No. 39,124)
 Mark R. Carter (Reg No. 39,131)
 Peng Chen (Reg No. 43,543)
 Thomas Chuang (Reg No. 44,616)
 Cara M. Coburn (Reg No. 46,631)
 Raj S. Davé (Reg No. 42,465)
 Stephen C. Durant (Reg No. 31,506)
 David L. Fehrman (Reg No. 28,600)
 Thomas George (Reg No. 45,740)
 Kenneth R. Glick (Reg No. 28,612)
 Douglas G. Hodder (Reg No. 41,840)
 Charles D. Holland (Reg No. 35,196)
 Wayne Jaeschke, Jr. (Reg No. 38,503)
 Richard D. Jordan (Reg No. 33,519)
 Ararat Kapouytian (Reg No. 40,044)
 Cameron A. King (Reg No. 41,897)
 Rimas T. Lukas (Reg No. 46,451)
 Gladys H. Monroy (Reg No. 32,430)
 Kate H. Murashige (Reg No. 29,959)
 Catherine M. Polizzi (Reg No. 40,130)
 Debra A. Shetka (Reg No. 33,309)
 Rebecca Shortle (Reg No. 47,083)
 Stanley H. Thompson (Reg No. 45,160)
 E. Thomas Wheelock (Reg No. 28,825)
 Frank Wu (Reg No. 41,386)
 Peter J. Yim (Reg No. 44,417)
 Karen R. Zachow (Reg No. 46,332)

and:

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Please direct all communications to:


Bruce Grant
Morrison & Foerster LLP
3811 Valley Centre Drive, Suite 500
San Diego, CA 92130

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Please direct all telephone calls to Bruce Grant at (858) 720-7962.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

8 Aug 2001
Date 
Name: Brian C. Keller
Residence: Antioch, California
Citizenship: USA
Post Office Address: 1111 James Dorton Blvd., Apt. 2034, Antioch, California 94509

8 Aug 2001
Date 
Name: Arnold William Schwartz
Residence: Ross, California
Citizenship: USA
Post Office Address: P.O. Box 1324, Ross, CA 94057



COPY

U.S. DEPARTMENT OF COMMERCE

RECORDATION FORM COVER SHEET PATENTS ONLY

Patent and Trademark Office
Docket No. 270142000300

To the Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):
Brian C. Keller; Arnold William Schwartz

- ☒ Individual(s) ☐ Association
☐ General Partnership ☐ Limited Partnership
☐ Corporation-State ☐ Other

Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

3. Nature of conveyance:

- ☒ Assignment ☐ Merger
☐ Security Agreement ☐ Change of Name
☐ Other:

Execution Date: 8 August 2001

2. Name and address of receiving party(ies):

Name: Biozone Laboratories, Inc.
Internal Address:
Street Address: 580 Garcia Avenue
City: Pittsburg, State: CA ZIP: 94565Additional name(s) & address(es) attached? ☐ Yes ☒ No**RECEIVED**
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4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is:

A. Patent Application No.(s)
09/530,795

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Bruce D. Grant
Morrison & Foerster LLP
3811 Valley Centre Drive
Suite 500
San Diego, California 92130-2332

6. Total number of applications and patents involved: 1

7. Total fee (37 C.F.R. § 3.41): \$40.00

- ☐ Enclosed
☒ Authorized to be charged to deposit account, referencing
Attorney Docket 270142000300

8. Deposit account number: 03-1952The Commissioner is hereby authorized to charge any fees under 37 C.F.R. § 1.21 that may be required by this paper, or to credit any overpayment to Deposit Account No. 03-1952.

DO NOT USE THIS SPACE

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Name: Bruce D. Grant
Registration No: 47,608

Signature

Date

DECEMBER 27, 2001

Total number of pages comprising cover sheet, attachments and document: 2

Mail documents to be recorded with required cover sheet information to:
U.S. Patent and Trademark Office
Office of Public Records
Box Assignments
Crystal Gateway 4, Room 335
Washington, D.C. 20231

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Attorney Docket No.: 270142000300

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ASSIGNMENT JOINT

THIS ASSIGNMENT, by Brian C. Keller and Arnold C. Schwartz (hereinafter referred to as the assignors), residing at 1111 James Donlon Blvd., Apt. 2034, Antioch, California 94509 and P.O. Box 1324, Ross, California 94957, respectively, witnesseth:

WHEREAS, said assignors have invented certain new and useful improvements in ENHANCED INFANT FORMULA CONTAINING LIPOSOME ENCAPSULATED NUTRIENTS AND AGENTS, set forth in an application for Letters Patent of the United States, bearing Serial No. 09/530,795 and filed on May 5, 2000; and

WHEREAS, Biozone Laboratories, Inc., a corporation duly organized under and pursuant to the laws of California and having its principal place of business at 580 Garvie Avenue, Pittsburgh, California 94565 (hereinafter referred to as the assignee) is desirous of acquiring the entire right, title and interest in and to said inventions and said application for Letters Patent of the United States, and in and to any Letters Patent or Patents, United States or foreign, to be obtained therefor and thereon:

NOW, THEREFORE, in consideration of One Dollar (\$1.00) and other good and sufficient consideration, the receipt of which is hereby acknowledged, said assignors have sold, assigned, transferred and set over, and by these presents do sell, assign, transfer and set over, unto said assignee, its successors, legal representatives and assigns, the entire right, title and interest in and to the above-mentioned inventions, application for Letters Patent, and any and all Letters Patent or Patents in the United States of America and all foreign countries which may be granted therefor and thereon, and in and to any and all divisions, continuations and continuations-in-part of said application, or reissues or extensions of said Letters Patent or Patents, and all rights under the International Convention for the Protection of Industrial Property, the same to be held and enjoyed by said assignee, for its own use and the use of its successors, legal representatives and assigns, to the full end of the term or terms for which Letters Patent or Patents may be granted, as fully and entirely as the same would have been held and enjoyed by the assignors, had this sale and assignment not been made.

AND for the same consideration, said assignors hereby covenant and agree to and with said assignee its successors, legal representatives and assigns, that, at the time of execution and delivery of these presents, said assignors are the sole and lawful owners of the entire right, title and interest in and to said inventions and the application for Letters Patent above-mentioned, and that the same are unencumbered and that said assignors have good and full right and lawful authority to sell and convey the same in the manner herein set forth.

AND for the same consideration, said assignors hereby covenant and agree to and with said assignee, its successors, legal representatives and assigns, that said assignors will, whenever counsel of said assignee, or the counsel of its successors, legal representatives and assigns, shall advise that any proceeding in connection with said inventions, or said application for Letters Patent, or any proceeding in connection with Letters Patent for said inventions in any country, including interference proceedings, is lawful and desirable, or that any division, continuation or continuation-in-part of any application for Letters Patent or any reissue or extension of any Letters Patent, to be obtained thereon, is lawful and desirable, sign all papers and documents, take all lawful oaths, and do all acts necessary or required to be done for the procurement, maintenance, enforcement and defense of Letters Patent for said inventions, without charge to said assignee, its successors, legal representatives and assigns, but at the cost and expense of said assignee, its successors, legal representatives and assigns.

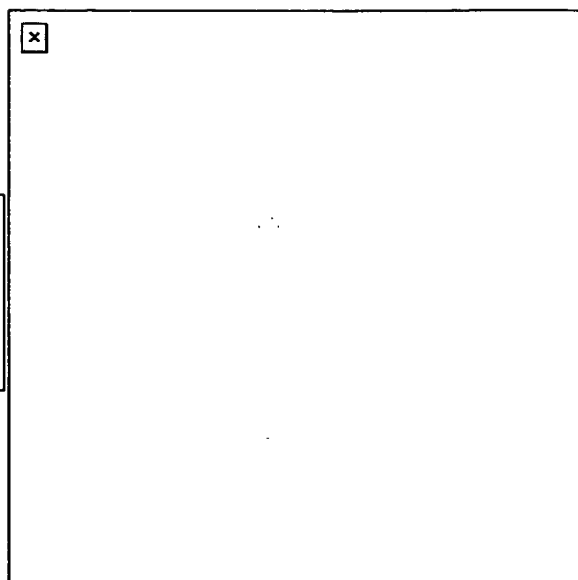
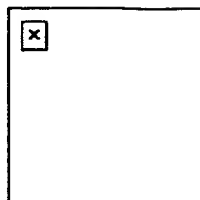
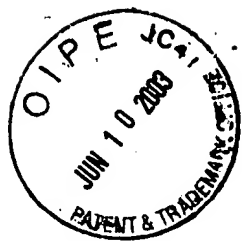
AND said assignors hereby request the Commissioner of Patents to issue said Letters Patent of the United States to said assignee as the assignee of said inventions and the Letters Patent to be issued thereon for the sole use of said assignee, its successors, legal representatives and assigns.

8 Aug 2001
Date

Brian C. Keller

8 Aug 2001
Date

Arnold William Schwartz



Deposit Account Statement

Requested Statement Month:

February 2002

Deposit Account Number:

031952

Name:

MORRISON & FOERSTER LLP

Attention:

ATTN: BOBBIE ZIMMERMAN

Address:

755 PAGE MILL ROAD

City:

PALO ALTO

State:

CA

Zip:

94304-1018

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
02/01	16	[REDACTED]	[REDACTED]	214	\$80.00	\$108,639.80
02/01	34	[REDACTED]	[REDACTED]	101	\$740.00	\$107,899.80
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02/01	86	[REDACTED]	[REDACTED]	581	\$40.00	\$105,743.80
02/01	94	[REDACTED]	[REDACTED]	970	\$890.00	\$104,853.80
02/01	106	09530795	270142000300	122	\$130.00	\$104,723.80
02/01	106	[REDACTED]	[REDACTED]	101	\$740.00	\$103,983.80

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